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Dkt. 71110/RSM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Young-Wook KIM, Hai-Doo KIM, Shin-Han KIM, and
Chul-B PARK
Serial No. : 10/670,040
Filed : September 23, 2003
For : HIGHLY POROUS CERAMICS FABRICATED FROM PRECERAMIC
POLYMER AND EXPANDABLE MICROSPHERES, AND METHOD
FOR FABRICATING THE SAME

1185 Avenue of the Americas
New York, New York 10036
April 21, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

**RESPONSE TO NOTICE OF
NON-COMPLIANT AMENDMENT (37 C.F.R. §1.121)**

This Response is submitted in response to a Notice Of Non-Compliant Amendment (37 C.F.R. 1.121) issued April 13, 2005 in connection with the above-identified application, a copy of the Notice is enclosed herewith.

According to the Notice, the "Amendments to the claims" section of the Amendment Under 37 C.F.R. §1.111 In Response To A December 28, 2004 Office Action did not provide proper status identifiers for claims 6, 9, 12, and 15. The Notice required that this section of the Amendment be resubmitted in its entirety. Accordingly, applicants respectfully submit as Exhibit A, replacement pages 2-5, entitled "Amendments to the Claims" in


Applicants: Young-Wook KIM et al.
Serial No.: 10/670,040
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which the proper status identifiers, that is, "Previously presented", is provided for claims 6, 9, 12, and 15.

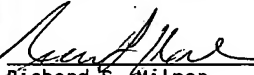
A response to the Notice is due one month from the date of the Notice, that is, May 13, 2005. Accordingly, this Response is being timely filed.

No fees are deemed necessary in connection with the filing of this Response. However, if any fees are required, authorization is hereby given to charge the amount of any such fees to Deposit Account No. 03-3125.

Respectfully submitted,

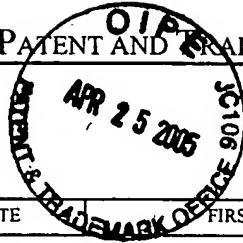

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I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to: Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

 21 April 2005
Richard S. Milner Date
Reg. No. 33,970



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,040	09/23/2003	Young-Wook Kim	71110/RSM	5051

7590 04/13/2005

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EXAMINER	
VINCENT, SEAN E	
ART UNIT	PAPER NUMBER
1731	

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

71110

RSM



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APR 18 2005

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Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on ex: 3/30/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings. 1mo: 5/13/05
 - ☐ B. New paragraph(s) should not be underlined. 2mo: 6/13/05
 - ☐ C. Other _____ 3mo: 7/13/05
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72. 4mo: 8/13/05
 - ☐ B. Other _____ 5mo: 9/13/05
- ☐ 3. Amendments to the drawings: _____ 6mo: 10/13/05 ex
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: claims 6, 9, 12 and 15 the correct status identifier is:

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an **RCE**), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Mayme Wagstaff
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